

132. (Previously presented) The gate electrode of claim 131 wherein said thick fourth spacers comprise a nitride.

133. (Previously presented) The gate electrode of claim 132 wherein said polycide comprises titanium salicide ( $\text{TiSi}_2$ ).

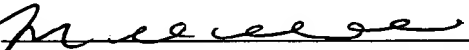
REMARKS

In the Office Action mailed November 4, 2003, the Examiner rejected claims 31, and 126-133 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of U.S. Patent No. 6,593,633.

In response, the Applicant has filed herewith a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c). Accordingly, it is respectfully submitted that the Terminal Disclaimer overcomes the obviousness-type double patenting rejection of claims 31 and 126-133. Thus, it is respectfully submitted that claims 31, and 123-133 are now in condition for allowance, which action is earnestly solicited.

Please charge Deposit Account No. 02-2666 for any fee deficiency that may be due. A duplicate of this Terminal Disclaimer is enclosed for Deposit Account charging purposes.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 2/3/04 By:   
Michael A. Bernadicou, Reg. No. 35,934

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, California 90025  
(408) 720-8300

**Chia-Hong Jan**  
Application No.: 09/477,870

- 4 -

Examiner: Douglas Owens  
Art Unit: 2811